REMARKS

A non-final Office Action, dated September 5, 2003, rejects pending claims 1-51. Claims 1, 22, 24 have been rewritten herein, and new claims 52-61 have been added. Applicants thank the examiner for the examiner interview conducted on December 13, 2003. Reconsideration is respectfully requested in light of the amendments and the following remarks.

Drawings

A proposed redlined correction to FIG. 1 is attached. FIG. 1 has been amended to add zones Z1-Z8 as described in the specification. Subject to the examiner's final approval, applicants will submit corrected formal drawings with the payment of the issue fee in this matter.

35 USC §112 (first paragraph)

Applicants have also amended claims 1 and 24 as noted to remove reference to the term "will call." These claims now refer to the term "storage area for storing filled prescription orders therein," which people in the industry commonly refer to as a "will call" storage area. For the sake of clarity, the more descriptive terms for this area have been presented in the claims.

35 USC § 103

Applicants respectfully traverse the examiner's rejection of claims 1-51 as somehow being rendered obvious by the references of record. "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so . . .." [MPEP § 2143.01]. Applicants traverse the examiner's rejections of these claims on at least the following three grounds:

1. Automatic Tracking Even With Worker Selected Storage Location Placement

During the examiner interview, the examiner conceded that none of the references of record, including U.S. Pat. No. 6,464,142 to Denenberg et al., teach or suggest a pharmacy tracking system that allows quick and easy location of a prescription order where the computer tracking system doesn't first instruct the

pharmacy worker into which storage area to place the filled prescription. A preferred embodiment of the present invention offers a significant advantage over Denenberg and the like by allowing the pharmacy worker to select any storage compartment in which to place a filled prescription order. The computer system of the present invention then detects the compartment in which the filled prescription is placed and correlates that location for that prescription order with that particular customer's identifying information for easy retrieval.

In particular, claim 44 specifically requires the step of "placing the filled prescription order and the remote tag into one individually identified storage area of the plurality of individually identified storage areas without instructions from the computer system as to which individually identified storage area the filled prescription order and the remote tag are to be placed . . . ." (emphasis added). As noted by the examiner in his interview summary, no references of record, including Denenberg et al. and Engellenner, teach or suggest such a feature. Accordingly, claim 44 and dependant claims 45-51 which depend on claim 44 should also now be in condition for allowance.

Similarly, new independent claims 52 and 57 build on this distinction by clarifying the functional differences between the present invention and the prior art. Namely and unlike Denenberg et al., the present invention does not require a pharmacy worker to first obtain computer instructions as to where to place a particular prescription order because the computer system and related tags and readers continuously work together to verify that each tagged prescription order within the pharmacy has been correlated with the correct corresponding customer identifying information and physical location identifier. Accordingly, the present system, unlike Denenberg et al., need not rely on an assumption that the pharmacy worker has complied with a tracking computer's instructions.

Claims 52 and 57 clarify this distinguishing functionality. Namely, claim 52 includes limitations that when a customer seeks to retrieve their filled prescription, and the pharmacy worker attempts to remove that customer's filled prescription from the storage area, the computer system compares "the identity of the patient whose filled prescription is being sought by the customer with the patient information associated with the unique tag identifier to verify that the correct prescription order has been removed from the storage area . . .." (emphasis added). Neither Denenberg et al. nor any other references of record teach or suggest any structures even capable of

performing this step, much less actually teaching this step. Accordingly, claim 52 should be allowable.

Similarly, new claim 57 specifically requires the computer system to record the location of the prescription order and correlate "the detected unique identifier with the identification information of the customer thereby verifying that the correct prescription order has been moved . . . .." Again, none of the references of record teach or suggest enabling structures capable of performing such a function. They all rely either on a pharmacy worker remembering to manually scan in a prescription order at each location and/or an assumption that a pharmacy worker will comply with instructions from the computer system as to where the prescription order must go. Accordingly, claim 56 should also be in condition for allowance.

Since claims 52 and 57 should be allowable, claims 53-56 and 58-61, which depend on these allowable claims, should also be in condition for allowance.

As explained more fully in the specification, another way to describe this improved functionality is by using the term "automatic" when describing the improved scanning, tracking, and correlating features of the present invention over the prior art. In particular, independent claim 31 specifically requires the step of "automatically detecting the presence of the tag within the storage area and determining the unique identifier associated with the identification tag when the identification tag is placed within the storage area" and the step of the "computer system correlate[ing] the unique tag identifier, the customer identifier and unique visual identifier thereby allowing easy location and retrieval of the customer's prescription order from the storage area." (emphasis added).

Applicants maintain that Denenberg teaches away from automatic tracking of prescription orders by disclosing how pharmacy workers must first operate a common scanner to read each individual prescription and then receive and follow instructions from a computer system as to where that prescription must be placed in the storage device.

In light of the foregoing, applicants respectfully traverse the examiner's rejection of independent claim 31, there is no teaching or suggestion in any references of record to provide individual tag readers in each storage area of a prescription order storage device, and there is no teaching or suggestion to for a tag reader placed within a particular storage area to automatically determine the unique identifier associated with

a tag and related prescription order placed within a particular storage area. Accordingly, this claim should be allowable. Moreover, independent claims 32-43, which depend on allowable claim 31, should now also be in condition for allowance.

2. Tracking Up-Stream of Filled Prescription Storage Area

Applicants respectfully traverse the examiner's comments that Denenberg et al. (U.S. Pat. No. 6,464,142) teaches tracking of prescription orders up-stream of a filled prescription storage area. While the examiner correctly notes that Denenberg et al. provides for entering a customer's identifying information at a workstation, and presumably this work station may be upstream of the filled prescription storage area, Denenberg uses this information only to eventually "assign the item a unique storage location within the storage unit." Denenberg et al., col. 6, lines 37-38. Accordingly, Denenberg et al. does not teach or suggest tracking the prescription anywhere other than the assumed final storage area that it has assigned for it.

Turning to the claims, claim 1 specifically includes "manually moving the prescription order to a second location within the pharmacy upstream of the storage area; [and] automatically detecting the presence of the prescription order at the second location . . . ." (emphasis added). Claims 9 and 24 include similar limitations. Since no references of record teach or suggest such upstream tracking within a pharmacy, these claims should be in condition for allowance. Moreover, since dependant claims 2-8 and 10-18, 20-23, and 25-30 depend on these now allowable claims, they too should also be in condition for allowance.

3. Tag Reader Switching Device

Applicants also note that no references of record teach or suggest any structures for minimizing the expense associated with having a plurality of spaced apart tag readers within a pharmacy by periodically switching a common tag reader between a plurality of antennae located at spaced apart locations within the pharmacy. Claim 40 and 41 specifically included limitations directed to this structure. Since no references of record teach or suggest any form of tag reader switching structures as claimed in claims 40 and 41, these claims should also be allowable on these grounds.

In view of the foregoing, applicants submit that all of the currently pending claims are in condition for allowance, and respectfully request that the case be passed to

issuance. If the Examiner has any questions, he is invited to contact applicants' attorney at the below-listed telephone number.

Respectfully submitted,

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FIG. 1

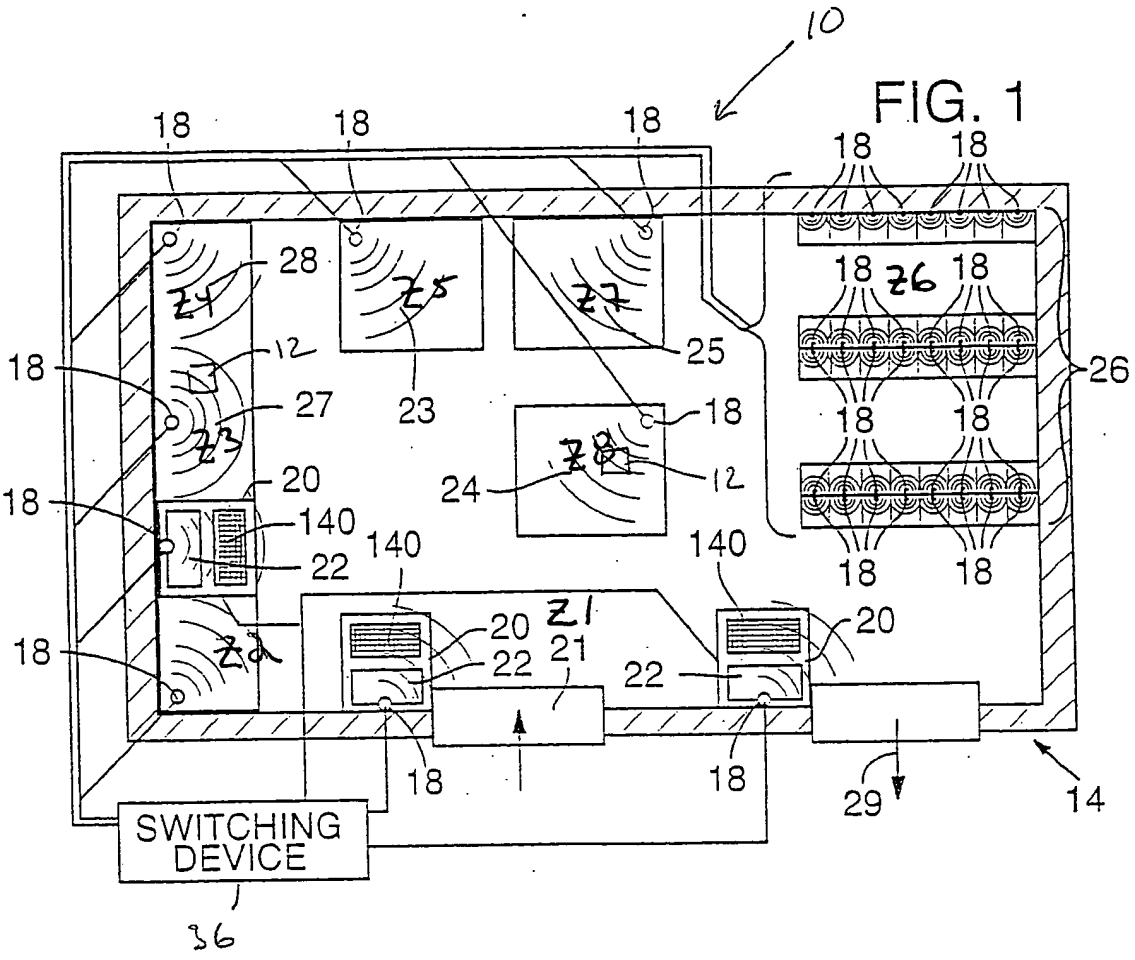

FIG. 5